

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STERLING ATKINS,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

2:02-cv-1348-JCM-PAL

ORDER

This action is a petition for writ of habeas corpus, brought by Sterling Atkins, a Nevada prisoner sentenced to death. The action was stayed from April 30, 2010, to January 29, 2015, pending litigation in state court. On September 13, 2013, attorney Michael B. Charlton was appointed to replace Atkins' former counsel, Marc Picker. On March 28, 2014, attorney Melissa Ann Franklin was appointed as second counsel. Atkins was scheduled to file a fourth amended habeas petition by March 30, 2015. *See* Order entered January 29, 2015 (ECF No. 145). However, that deadline was vacated when issues arose regarding Atkins' representation. *See* Minute Order entered March 23, 2015 (ECF No. 149). On June 30, 2015, in a sealed order (ECF No. 160), the court ordered Charlton and Franklin discharged from their representation of Atkins.

The court has now identified new counsel to represent Atkins in this action. Pursuant to 18 U.S.C. § 3599, and in the interests of justice, A. Richard Ellis (75 Magee Ave., Mill Valley,

1 California, 94941, 415-389-6771) will be appointed to represent Atkins in this federal habeas corpus
2 action, and all subsequent proceedings, pursuant to 18 U.S.C. § 3599(e), unless and until allowed to
3 withdraw. The court will order Ellis to file a notice of appearance of counsel for Atkins, or other
4 document indicating his inability to accept this appointment.

5 After Ellis files a notice of appearance, the court will set a schedule for the filing of Atkins'
6 fourth amended petition, taking into account the time Ellis will reasonably need to become familiar
7 with the case. Also, after Ellis files a notice of appearance, court personnel will contact Ellis to
8 initiate the budgeting process with respect to his representation of Atkins.

9 **IT IS THEREFORE ORDERED** that A. Richard Ellis is appointed to represent petitioner
10 Sterling Atkins, as described above.

11 **IT IS FURTHER ORDERED** that A. Richard Ellis shall, within **15 days** after the
12 date this order, file a Notice of Appearance of Counsel for Petitioner, indicating acceptance of this
13 appointment, or other document indicating that he cannot accept the appointment.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **SERVE** a copy of this
15 order, by mail, on:

16 Sterling Atkins
17 #46600
18 Ely State Prison
19 P.O. Box 1989
20 Ely, NV 89301,

21 and also, by mail, on:

22 A. Richard Ellis
23 75 Magee Ave.
24 Mill Valley, CA 94941.

25 Dated July 28, 2015.

26 
UNITED STATES DISTRICT JUDGE